

UNITED STATES DISTRICT COURT

FILED 27 NOV '18 10:32 USDC-ORP

for the
District of OregonIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Ford Country Squire, as described in Attachment A

Case No. 18-mc-1037
3:18-MJ-244-HZ

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
Information associated with (list online storage accounts) as described in Attachment A hereto,

located in the _____ District of _____ Oregon _____, there is now concealed (identify the person or describe the property to be seized):

The information and items set forth in Attachment B hereto.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section (TITLE(S) & SECTION(S))	Offense Description (GENERAL DESCRIPTION OF OFFENSE(S))
18 U.S.C. § 2113(a)	Bank Robbery

The application is based on these facts:
See affidavit which is attached hereto and incorporated herein by this reference.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

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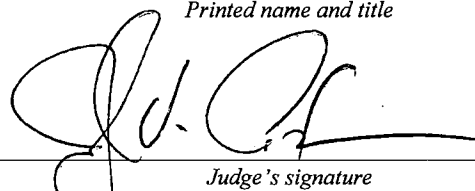
Applicant's signature

David J. Hockin, Detective/FBI Task Force Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: 11.27.18



Judge's signature

City and state: Portland, Oregon

Hon. John V. Acosta, United States Magistrate Judge

Printed name and title

DISTRICT OF OREGON, ss: AFFIDAVIT OF DAVID J. HOCKIN
STATE OF OREGON

**Affidavit in Support of an Application
Under Rule 41 for a Search Warrant**

I, David J. Hockin, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I, David J. Hockin, am employed with the Tigard Police Department as a police officer and have been since 1998. My current assignment is that of a detective within the Tigard Police Department's Criminal Investigations Unit. I have also been assigned to the Washington County Major Crimes Team since 2006, and have been a Task Force Officer (TFO) with the Federal Bureau of Investigation (FBI) bank robbery task force since 2010. My training and experience includes the investigation of violent crimes, to include; homicides, serious assaults, robberies, sex assaults and bank robberies.

2. I submit this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the vehicle described as a 1998 Ford Country Squire, bearing Oregon License Plate YEC242, VIN: 2FABP79F7JX216103, referenced hereinafter as "Vehicle", as described in Attachment A hereto, for evidence, contraband, fruits, and instrumentalities of violations of Bank Robbery, 18 U.S.C. § 2113(a). As set forth below, I have probable cause to believe that such property and items, as described in Attachment B hereto, including any digital devices or electronic storage media, are currently located in the aforementioned vehicle, which is currently parked at, 13749 SW Electric Street, Beaverton, Washington County, Oregon 97005.

3. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. The facts set forth

in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, interviews of witnesses, a review of records related to this investigation, communications with others who have knowledge of the events and circumstances described herein, and information gained through my training and experience.

Applicable Law

4. Under 18 U.S.C. § 2113(a), a Bank Robbery occurs when a person, “by force and violence, or intimidation, knowingly and unlawfully take currency from the presence of employees of the financial institution which was then in the care, custody, control, possession, and management of that financial institution, whose deposits were then insured by the Federal Deposit Insurance Corporation.” 18 U.S.C. § 2113(a).

Statement of Probable Cause

5. On November 13, 2018, at approximately 2:19 pm, a robbery occurred at the Key Bank located at 11665 SW Pacific Highway, Tigard, Washington County, Oregon. The bank, whose deposits were then insured by the Federal Deposit Insurance Corporation (FDIC), suffered a loss of approximately \$1,636 in United States Currency.

6. On November 20, 2018, I was the affiant on a complaint and application for an arrest warrant alleging that Steven Richard Cole violated 18 U.S.C. § 2113(a), Unarmed bank Robbery. On that same date, Magistrate Judge John V. Acosta signed approved and signed the complaint, and issued an arrest warrant for Cole.

7. On November 21, 2018, at about 3:00 pm I served the arrest warrant on Mr. Cole at 13749 SW Electric St., Beaverton, Washington County, Oregon 97005. Mr. Cole was taken into custody, by myself, without incident. Mr. Cole gave no statement. While taking him into custody I noted that he was wearing a black soft-shell jacket with a white North Face logo on the front left breast, just as in the video surveillance footage from both KeyBank and Canyon Auto. The jacket was later taken into evidence.

8. Immediately following the arrest, I located Mr. Cole's vehicle, a Ford Country Squire, which had been parked near the manager's office within the apartment complex. While standing next to the vehicle I could clearly see the inside of the vehicle through the windows, without aid of a flashlight or any other device or aid. While looking through the rear passenger side window I could clearly see the two pieces of paper and two pairs of dark-colored gloves on the floorboard. The pieces of paper looked like the pieces Mr. Cole had ripped off of the night deposit envelope that he had used to write the demand note. Both pairs of gloves were dark in color and appeared to be very similar to the gloves Mr. Cole used during the robbery. I photographed the mentioned items from outside the vehicle.

9. I know, based on my training and experience, that individuals who own or possess vehicles are required by law to retain proof of registration and insurance on the vehicle. I also know that these documents are often kept in the glove box or in a location which allows the driver to easily access them. I believe that documents such as these will help establish that Mr. Cole owned or possessed the Ford Country Squire, which is the vehicle believed to have been used to transport Mr. Cole to and from a location close to the bank robbery, as detailed in Exhibit 1.

Conclusion

9. Based on the foregoing, I have probable cause to believe that evidence and instrumentalities of the offense of Bank Robbery, as described above and in Attachment B, are presently located within the vehicle, which is described above and in Attachment A. I therefore request that the Court issue a warrant authorizing a search of the vehicle described in Attachment A for the items listed in Attachment B and the seizure and examination of any such items found.

10. Prior to being submitted to the Court, this affidavit, the accompanying application, and the requested search warrant were all reviewed by Assistant United States Attorney (AUSA) Greg Nyhus and AUSA Nyhus advised me that in his opinion the affidavit and application are legally and factually sufficient to establish probable cause to support the issuance of the requested search warrant.

DAVID J. HOCKIN
Detective/FBI Task Force Officer

Subscribed and sworn to before me this _____ day of November 2018.

JOHN V. ACOSTA
United States Magistrate Judge

EXHIBIT A

DISTRICT OF OREGON, ss: AFFIDAVIT OF DAVID J. HOCKIN
STATE OF OREGON

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, David Hockin, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background:

1. I am a police officer with the Tigard Police Department and have been since 1998. As part of my duties, I am an investigator with the Washington County Major Crimes Team. As part of that assignment, I am tasked with the investigation of violent crimes such as homicides, robberies, and sex assaults. I am also designated as a Task Force Officer (TFO) with the Federal Bureau of Investigation (FBI) bank robbery task force and have been designated as such since 2011.

2. I submit this affidavit in support of a criminal complaint and arrest warrant for STEVEN RICHARD COLE, a white male with date of birth 05/27/1969, for Bank Robbery in violation of 18 U.S.C. § 2113(a). As set forth below, there is probable cause to believe, and I do believe, that STEVEN RICHARD COLE committed Bank Robbery in violation of 18 U.S.C. § 2113(a).

3. This affidavit is intended to show only that there is sufficient probable cause for the requested complaint and arrest warrant and does not set forth all of my knowledge about this matter. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, interviews of witnesses, a review of records related to this investigation,

communications with others who have knowledge of the events and circumstances described herein, and information gained through my training and experience.

Applicable Law:

4. Under 18 U.S.C. § 2113(a), a Bank Robbery occurs when a person, “by force and violence, or intimidation, knowingly and unlawfully take currency from the presence of employees of the financial institution which was then in the care, custody, control, possession, and management of that financial institution, whose deposits were then insured by the Federal Deposit Insurance Corporation.” 18 U.S.C. § 2113(a).

Statement of Probable Cause:

5. On 11/13/18 at approximately 2:19 pm, a robbery occurred at the Key Bank located at 11665 SW Pacific Highway, Tigard, Washington County, Oregon. The bank, whose deposits were then insured by the Federal Deposit Insurance Corporation (FDIC), suffered a loss of approximately \$1,636 in United States Currency.

6. The victim teller reported to the Tigard Police that he was working at his teller station when a person unknown to him, hereafter referred to as “the robber,” entered the bank via the front door. The robber approached the victim teller’s station at the counter, and presented the victim teller with a paper note that read, “Give me All your Money Don’t set any alarm off.” The victim teller emptied two drawers, and provided the robber with approximately \$1,636 in United States currency. The robber then exited the front doors and fled, on foot.

7. The victim teller described the robber as a white male, in his 50's, with a slender build, wearing a dark colored jacket, gloves and a baseball hat. The victim teller stated that the robber had passed him a note and after presenting it, he repeated, "Come on, come on." After receiving the money from the drawer the robber said, "the side drawer too....come on."

8. The victim teller told me the robber intimidated him in that he approached his teller station quickly and presented a demand note, which clearly indicated that he was robbing him. Further, that he stated, "Come on.... come on," in an aggressive demeanor. The robber then ordered him to empty the side drawer, as if he was becoming angry about how long it was taking or the amount of money he was retrieving. The victim teller stated that although no weapon was seen, he knew from his training that he could still be armed or use force if he didn't comply with his demands. The victim teller added that he feared the robber might rob and/or harm the female teller next to him.

9. I received bank surveillance images of the robber. I reviewed the photos, and concluded that the victim's description was accurate. I distributed the images to local law enforcement, including the Federal Bureau of Investigation.

10. Upon viewing the demand note, I learned that it was hand-written in dark ink on a ruled piece of white paper. The piece of paper was ripped on the top and bottom. Near the bottom of the note, was a typed sentence that read, "I hereby authorize...." The remainder of the

sentence was torn off. Based on the tearing and the type sentence it appeared that the paper used for the demand note had been some type of form or an envelope with typing on it.

11. On 11/14/18 I spoke to Nguyen Nguyen, the owner of Canyon Auto Repair, located at 11643 SW Pacific Hwy., Tigard, OR 97223. Canyon Auto Repair is situated just east of the Key Bank. I inquired about his video surveillance system and ask for consent to review the footage. Mr. Nguyen agreed, and showed me surveillance footage from the prior day. I observed the following from reviewing camera numbers 10 and 11:

Camera #10 (Facing east):

1404:09	A tan and brown station wagon enters the lot from Hwy 99W Southbound and parks in the Canyon Auto parking lot
1407:40	A white male adult exits the driver side and approaches the shop while wearing gloves.
1408:00	Suspect removes his glove and takes a key drop envelope from the night drop box and returns to his car
1410:55	Suspect exits his car and pretends to deposit the envelope in the drop box while wearing gloves. Walks towards the Key Bank.
1413:30	Suspect returns from the bank and walks towards his car.
1413:44	Suspect enters driver side of his car
1413:57	Vehicle backs out of parking stall.
1414:08	Vehicle exits lot, without stopping, and proceeds south on Hwy. 99W.

Camera #11 (Facing West):

1411:05	Suspect is seen walking west towards the Key Bank and goes off camera.
1413:25	Suspect is seen walking east towards Canyon Auto.
1414:08	Suspect vehicle is seen traveling south on Hwy 99W.

12. After reviewing the above-mentioned video surveillance, I obtained a key deposit envelope to compare to the demand note. Upon comparing the envelope to the note, it appeared to me that the suspect had ripped off the top and bottom of the envelope and then used it to write the demand note used in the robbery. I further noted that the envelope had a paragraph at the bottom that read, "I hereby authorize this repairing dealer to" This was an exact match to the partial sentence that remained on the bottom of the demand note.

13. On 11/14/18 at about 3:11 pm Lynn Beaulieu, the Human Resources Director of Eliot Management Group, called dispatch in response to a media release about the Tigard Key Bank Robbery. I called Ms. Beaulieu at 3:30 pm. Ms. Beaulieu told me that Marcus Smith, an Eliot employee, had contacted her regarding a media release he had seen regarding a bank robbery in Tigard. Mr. Smith told her that the suspect looked like Steven Cole, who had been an employee of Eliot up until 11/01/18. Ms. Beaulieu provided me Mr. Coles date of birth (052769), address (8545 SW Pfaffle St., #11, Portland, Oregon 97223), phone number (971-716-2323) and drivers license number (4941532), according to her personnel files. Ms. Beaulieu added that she further believed that the hat the suspect was wearing during the robbery was an "Eliot" logoed hat that he likely obtained while working at Eliot Management Group in Lake Oswego (6 Centerpoint Drive, Suite 380, Lake Oswego, Oregon).

14. I compared the image of the bank robber to Oregon DMV photo of COLE, and concluded the images appear to be of the same person. The images of the bank robber are labeled Attachment A. The image of COLE's DMV photo is labeled Attachment B.

15. I then contacted Gayla Christopher, who is employed as an analyst with the Tigard Police Department. At my request, Analyst Christopher conducted a workup on Mr. Cole and learned that his last known address, per the Department of Motor Vehicles (DMV), was at 8545 SW Pfaffle St., #11, Portland, Oregon 97223, as stated by Ms. Beaulieu. This address is actually a Tigard address, approximately 3-4 blocks from the Key Bank in question. Analyst Christopher further learned that Mr. Cole lived at that address with Richard Albert Cole (DOB: 072344). Obituary records indicated that Richard Albert Cole died in May of 2017. Analyst Christopher queried LEDS for all vehicles registered to Steven Cole. There were none. She then queried all vehicles registered to Richard Cole, and discovered that a 1988 Ford Country Squire, 4-door- station wagon was registered to him. The license plate listed for that particular vehicle was, YEC242 (Oregon). I obtained photographs of a 1988 Ford Country Squire via Google and Bing and noted that they looked identical to that of the vehicle seen in the surveillance video from Canyon Auto.

16. On 111518 I called Ms. Beaulieu and inquired about the Eliot Management Group hat logo, a handwriting sample, and emergency contacts for Mr. Cole. Ms. Beaulieu told me Mr. Cole had an emergency contact by the name of James Kirshner. Mr. Kirshner's address was listed as, 13749 SW Electric Street, Beaverton, OR 97005.

17. I then drove to Mr. Kirshner's apartment (Courtyard Cedar Hills; 13749 SW Electric Street, Beaverton, OR 97005) in an effort to locate the Ford station wagon. I arrived at 10:00 am and located the Ford parked in the front parking lot, unoccupied. I photographed the vehicle and noted the license plate (Oregon, YEC242), which matched the vehicle registered to Mr. Cole's relative (Richard Albert Cole).

18. Later that same day (111518), I received the requested handwriting samples and a photograph of an Eliot Management Group hat (attached) from Ms. Beaulieu. I compared the photo of the Eliot hat to a still photo printed from the Key Bank surveillance footage. It was an exact match. The image of the "Eliot" hat is labeled Attachment C. Upon reviewing Mr. Cole's handwriting samples, I noted that the handwriting was very similar to what was seen on the robbery note, and at a minimum, Mr. Cole could not be excluded as being the note writer.

19. On 111918 I spoke to Marcus A. Smith (DOB: 041775) in person. Mr. Smith told me he had been Steven Cole's direct supervisor at Eliot Management Group. Mr. Smith stated that 111318 he saw a media release regarding a Tigard bank robbery and that the photo of the suspect looked like Steven Cole, and further, that his hat looked like an Eliot logoed hat he had won at work recently. Mr. Smith told me that on the following morning he compared the Eliot hat he had at work to the photo the media had released, and that it seemed to match perfectly. Mr. Smith notified human resources and then the police.

Conclusion:

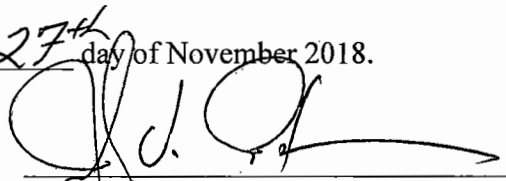
20. Based on the foregoing, I have probable cause to believe, and I do believe, that STEVEN RICHARD COLE committed the federal crime of bank robbery in violation of 18 U.S.C. § 2113(a). I therefore request that the Court issue a criminal complaint and arrest warrant for STEVEN RICHARD COLE.

21. Prior to being submitted to the Court, this affidavit, the accompanying application, and the requested arrest warrant were all reviewed by Assistant United States Attorney (AUSA) TO BE DETERMINED. AUSA TO BE DETERMINED advised me that in his opinion the affidavit and application are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

 29807

David J. Hockin
Detective/ FBI Task Force Officer

Subscribed and sworn to before me this 27th day of November 2018.



HON. John V. Acosta
United States Magistrate Judge

Attachment A:



11/13/2018 14:19:50.60
6 TELLER 5
Surveillance
OR009-TIGARD

This photographic image is generated for the internal use of KeyBank. KeyBank makes no representation or warranty of any kind with respect to this photograph, film, videotape, or digital image and specifically disclaims liability to any person or entities for all damages, losses, claims, or expenses (including attorney's fees) arising from the furnishing or subsequent use, distribution or publication of this image/video. Any use of this image/video by any party not employed directly by KeyBank is undertaken at the risk of and is the sole responsibility of the user.



11/13/2018 14:19:59.61
6 TELLER 5
Surveillance
OR009-TIGARD

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11/13/2018 14:19:57.94
6 TELLER 5
Surveillance
OR009-TIGARD

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Above: Images from 111318 Key Bank robbery.

Attachment B:



Above: DMV Photo of STEVEN COLE dated 060117.

Attachment C:

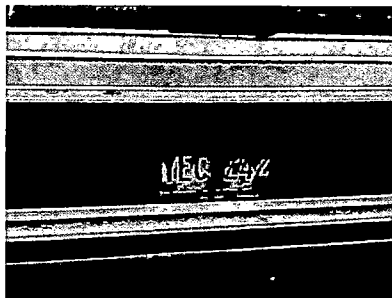


Photo of Eliot logoed hat sent from Eliot Management Group

ATTACHMENT A

Vehicle to Be Searched

The vehicle to be searched is a 1998 Ford Country Squire, bearing Oregon License Plate **YEC242**, VIN: 2FABP79F7JX216103. The actual vehicle is depicted below:



ATTACHMENT B

Items to Be Seized

The items to be searched for, seized, and examined, are those items on the premises located at 13749 SW Electric St., Beaverton, Washington County, Oregon 97005, referenced in Attachment A, that are evidence, contraband, fruits, and instrumentalities of violations of 18 U.S.C. § 2113(a), Unarmed Bank Robbery.

1. The items referenced above to be searched for, seized, and examined are as follows:

- a. Two pairs of dark colored gloves;
- b. Two torn pieces of a key deposit envelope;
- c. Registration, proof of insurance or other documents evidencing possession, ownership or control of the vehicle.